

6-19-03
#6**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas, James D.
Serial No.: 09/964,066
Filed: 9-26-2001
Art Unit: 3753
Examiner: Rivell, John A.
Title: Modular Plumbing System

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated 5-16-2003. Claims 1-86 were pending at the time of the Office Action. In the instant action, the Examiner issued a restriction requirement finding claims 1-67 (Group I, apparatus claims), 69-70 (Group II, kit claims) and 71-86 (Group III, method of installation) were distinct from one another. In addition, the Examiner found the claims directed to Group I to contain claims directed to several patentably distinct species of the invention and required Applicant to elect a single species of the apparatus claims.

Requirement for Restriction

The Applicant elects claims 1-67 of Group I for further prosecution on the merits. Applicants make this election without traverse. This election has not changed the inventorship as originally stated.

Election of Species

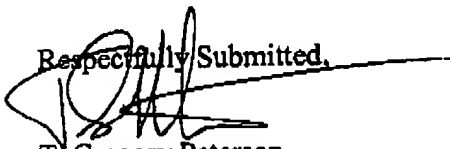
As required under 35 U.S.C. 121 and 37 C.F.R. 1.146, the Applicant elects the following apparatus species for prosecution on the merits. Applicant elects the species illustrated in FIGS. 1-3A (modular plumbing assemblies for lavatory, sink or laundry sink).

After election of the species above, Applicant believes that claims 1-14 read on the elected species. Should a generic claim be allowed, applicant specifically reserves its right to add claims to additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim, pursuant to 37 CFR 1.141.

Conclusion

Applicant believes that the foregoing have addressed the comments of the Examiner. Accordingly, it is respectfully requested that the application be processed for further prosecution on the merits. However, should there remain unresolved issues that require action, it is respectfully requested that the Examiner telephone Greg Peterson, Applicants' Attorney, at (205) 521-8084 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,


T. Gregory Peterson
Attorney for the Applicant
Reg. No. 45,587

OF COUNSEL
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FACSIMILE**Date**

June 16, 2003

5 pages (including cover page)

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Name	Location	Phone	Fax
Examiner Rivell	USPTO, art unit 3753	703 308-2599	703 872-9302

FROM

Name	T. Gregory Peterson, Ph.D., J.D.
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June 16, 2003

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Re:	Applicant:	Thomas, James D.
	Serial No.:	09/964,066
	Filed:	9-26-2001
	Art Unit:	3753
	Examiner:	Rivell, John A.
	Title:	Modular Plumbing System

Dear Sir:

Enclosed herewith are the following:

(1) **Response to the Office Action**, including response to Requirement for Restriction and Election of Species.

Thank you very much for your cooperation and assistance in this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

T. Gregory Peterson
Attorney for the Applicant

TGP/tgp
Enclosure

cc: Mr. James Thomas (with enclosure)

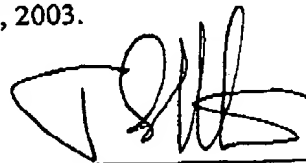
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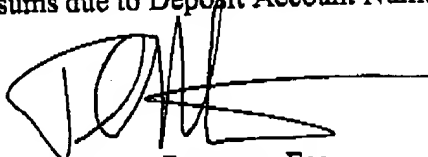
hereby certify that this cover letter (2 pages), fax cover sheet (1 page) and Response to Office Action (2 pages) are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703 872-9302 on June 16, 2003.



T. Gregory Peterson, Esq.
Reg. No. 45,587

**AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT**

If, after processing the enclosed correspondence, any charges, fees, or sums due remain unpaid in this matter, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 50-0954.



T. Gregory Peterson, Esq.
Authorized User of Deposit Account 50-0954

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